

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3433 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ADMN OFFICER AHMEDABAD MUNICI-PAL SCHOOL BOARD

Versus

BABUBHAI JAGJIVANDAS SONI & A\NR

Appearance:

MR MR ANAND for Petitioners

MR D.V. MEHTA for BP TANNA for Respondent No. 1

MS B.R. GAJJAR, AGP, instructed by MR DA BAMBHANIA
for Respondent No. 2

CORAM : R.K.ABICHANDANI, J

Date of decision: 25/04/96

ORAL JUDGEMENT

Rule. Mr. Mehta, for Mr. B.P. Tanna, Advocate,
waives service of rule on behalf of the respondent No. 1.
Ms. B.R. Gajjar, AGP, instructed by Mr. Bambhania,
Solicitor to the Government, waives service of rule on

behalf of respondent No. 2. At the instance of both the sides, the matter is taken up for final hearing.

The petitioners have challenged the order at Annexure-F to the petition in so far as it directs the petitioners to pay 100 per cent of wages during the period of suspension of the respondent-employee. By the impugned order dated 6.2.1995 the Primary Education Tribunal being in-charge of the Secondary Education Tribunal made an interim order for paying full salary to the respondent-employee for the period during which he remains under suspension.

When the matter is called out it is submitted by the learned counsel appearing for both the sides that important material exists which is to be brought to the notice of the Tribunal by both the sides and which would have bearing on the question of interim relief. It is submitted that the impugned order has been made without considering the important material which was required to be brought on record. It is, therefore, submitted that there would be no objection if the impugned order is set aside and the Tribunal is directed to reconsider the question of interim relief and render a fresh decision after giving an opportunity to both the sides to adduce further material in the matter.

Under these circumstances, the impugned interim order dated 6.2.1995 is hereby set aside and the Tribunal is directed to consider the question of interim relief afresh and make an appropriate order after giving an opportunity to both the sides for adducing further material that they may desire to produce. Rule is made absolute accordingly with no order as to costs.

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